

Message Text

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ACTION NEA-07

INFO OCT-01 ISO-00 SS-14 PM-03 NSC-05 NSCE-00 INR-05
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FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC PRIORITY 6869
SECDEF WASHDC//ISA// PRIORITY
INFO AMEMBASSY CAIRO
SECDEF WASHDC//ISA(SA)//DSAA
JCS WASHDC
CDR MICOM REDSTONE ARSENAL AL
USCINCEUR VAIHINGEN GER
DA WASHDC

C O N F I D E N T I A L KUWAIT 5841

LIMDIS

USCINCEUR EXCLUSIVE FOR POLAD

E.O. 11652: GDS
TAGS: MASS, KU
SUBJECT: KUWAIT IHAWK PROGRAM: APPLICATION OF TECHNICAL SECURITY
AGREEMENT TO AIR DEFENSE ADVISORS

REF: KUWAIT 65690

1. WHEN I SAW GOK DEFENSE INISTER SHAIKH SA'AD ABDULLA
AT BAHRAIN NATIONAL DAY RECEPTION DEC. 15, HE REFERRED TO
OUR MEETING DEC 8 IN WHICH WE HAD DISCUSSED THE QUESTION
OF GRANTING ACCESS TO IHAWK CLASSIFIED DATA TO EGYPTIAN
MILITARY AIR DEFENSE ADVISORS SECONDED TO KUWAIT AIR DEFENSE
FORCE. SHAIKH SA'AD SIAD HE WAS LOOKING FURTHER INTO THE
MATTER IN ORDER TO TRY TO SUBSTANTIATE HIS RECOLLECTION THAT
CLEARANCE FOR SUCH CLASSIFIED DATA WOULD BE GRANTED TO THOSE
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ADVISORS VOUCHERED FOR BY HIS HIGHNESS THE AMIR (PARA 4 REFTTEL).
HE RECALLED THAT THERE HAD BEEN A LETTER FROM SECRETARY OF
DEFENSE SCHLESINGER CONFIRMING THIS POINT. SHAIKH SA'AD
DID NOT WANT TO PURSUE THE MATTER FURTHER AT THE RECEPTION
BUT SAID THAT HE WOULD CONSULT WITH ME DURING THE NEXT WEEK.

2. FOLLOWING THE MUSLIM WEEKEND I ASKED USLOK TO RESEARCH THEIR FILES TO SEE WHETHER SUCH A LETTER EXISTED. THIS RESEARCH PRODUCED A LETTER DATED AUG. 16, 1974 FROM SECRETARY OF DEFENSE JAMES R. SCHLESINGER TO SHAIKH SA'AD ABDULLA AL-SALEM WHICH ENCLOSED A DRAFT TECHNICAL SECURITY ARRANGEMENT BETWEEN THE MOD OF KUWAIT AND DOD. THE FOURTH PARA OF THIS LETTER CONTAINED THE FOLLOWING STATEMENT: "THIS UNDERSTANDING, OF COURSE, WILL NOT RESTRICT THE COMMUNICATION SUCH CLASSIFIED INFORMATION TO THOSE OF HIS ADVISORS WHOM HIS HIGHNESS, THE AMIR, MIGHT AUTHORIZE TO ACT PURSUANT TO THIS UNDERSTANDING." THERE WAS, HOWEVER, NO PROVISION SUPPORTING THIS STATEMENT CONTAINED IN THE ENCLOSED DRAFT OF THE TECHNICAL SECURITY ARRANGEMENT.

3. THIS COMMUNICATION CAME AT THE BEGINNING OF A LENGTHY NEGOTIATION WHICH CULMINATED IN THE SIGNING OF A TECHNICAL SECURITY ARRANGEMENT DATED JAN. 18, 1976. WHILE THE FILES CONTAIN EXTENSIVE REFERENCES TO VARIOUS STAGES OF THE NEGOTIATIONS, AS WELL AS MENTION OF NUMEROUS TELEPHONE CONVERSATIONS ON THE SUBJECT, THEY DO NOT REVEAL ANY SPECIFIC DECISION AS TO THIS POINT CITED IN SECRETARY SCHLESINGER'S LETTER. THEY DO INCLUDE A LETTER FROM SHAIKH SA'AD TO SECRETARY SCHLESINGER DATED 3 AUG. 1975 IN WHICH IS CONTAINED THE FOLLOWING PROVISION. "AN ADVISOR WHOM THE MINISTRY OF DEFENSE MIGHT NOMINATE OR..." IN SECTION 1.A. (2) ENTITLED PERSONAL SECURITY OF AN ENCLOSED REVISED DRAFT OF THE TECHNICAL SECURITY ARRANGEMENT. HOWEVER, THE COPY IN THE USLOK FILES SHOWS THIS PROVISION LINED.

4. COMMENT: IT IS NOW CLEAR FROM WHENCE SHAIKH SA'AD'S UNDER-CONFIDENTIAL

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STANDING REGARDING THE CLEARANCE OF THIRD-COUNTRY MILITARY ADVISORS CAME. SINCE THE ACTUAL TEXT OF THE TECHNICAL SECURITY ARRANGEMENT SIGNED ON JAN 18, 1976 DID NOT INCLUDE A REFERENCE TO THE CLEARANCE OF SUCH ADVISORS, IT HAD BEEN MY ASSUMPTION--WHICH WAS THE BASIS FOR MY ASSURANCES TO SHAIKH SA'AD MENTIONED IN REFTEL--THAT THEY COULD NOT BE GRANTED ACCESS TO CLASSIFIED DATA WITHOUT MUTUAL AGREEMENT. I EXPECT THAT SHAIKH SA'AD WILL RAISE THIS POINT WITH ME SHORTLY AND I WOULD LIKE TO BE IN THE POSITION TO GIVE AN AUTHORIZED LEGAL INTERPRETATION FROM OUR SIDE AS TO THE VALIDITY OF THE APPARENT COMMITMENT CONTAINED IN SECRETARY SCHLESINGER'S LETTER ON THIS SUBJECT WITH RESPECT TO THE EXISTING TECHNICAL SECURITY ARRANGEMENT. HAD THIS COMMITMENT BEEN CONTAINED IN ORIGINAL DRAFT TECHNICAL SECURITY ARRANGEMENT AND EVENTUALLY NOT APPEARED IN THE FINAL TEXT, IT COULD SAID NOT TO BE LEGALLY BINDING. HOWEVER SINCE THERE WAS NO SUCH PROVISION IN THE ORIGANL DRAFT AND SINCE THERE WAS NO SPECIFIC CONNECTION BETWEEN THE COMMITMENT GIVEN BY SECRETARY SCHLESINGER

AND THE DRAFT TECHNICAL SECURITY ARRANGEMENT, IT IS NOT
WHOLLY CLEAR TO ME WHETHER THE USG IS COMMITTED TO HONOR THIS
"UNDERSTANDING". I WOULD APPRECIATE GUIDANCE ON THIS
MATTER ASAP, HOPEFULLY BEFORE MY NEXT MEETING WITH
SHAIKH SA'-AD.
MAESTRONE

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